

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

AMY MARIE STEVENS,

Plaintiff,

v.

STRYKER CORPORATION and
STRYKER SALES CORPORATION,

Defendants.

ORDER

12-cv-63-bbc

Trial in this negligence case is scheduled for October 7, 2013. On September 4, 2013, both sides filed their proposed special verdict forms and jury instructions, among other things. Unfortunately, the parties' proposals have an all too common problem. In particular, the parties' proposals include only two questions regarding liability on the special verdict form, but dozens of proposed jury instructions. This is a problem because, in most cases, the parties have failed to explain why they included a particular instruction. It does not help the jury decide the case if the parties include every pattern instruction they believe is even marginally relevant to the dispute without providing any context for that instruction. The parties must make it clear in their proposed instructions how those instructions relate to the questions on the verdict form; the jury should not be required to guess what the purpose of an instruction is.

Accordingly, the parties should submit new drafts of the instructions in which they

include language in each instruction that explains how the instruction relates to a particular special verdict question or questions so that the jury will know how each instruction is relevant to the disputes it must resolve. If it is necessary to include additional questions on the proposed verdict forms in order to accomplish this result, the parties should submit new drafts of the verdict form as well. If the parties are unable to explain how an instruction is relevant to one or more questions on the verdict form, they should omit that instruction from the amended drafts.

ORDER

IT IS ORDERED that the parties may have until September 9, 2013, to submit new proposed jury instructions, as discussed in this order. The deadline for objecting to the other side's proposals remains September 13, 2013.

Entered this 5th day of September, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge